

1 ERIC GRANT
2 United States Attorney
3 ARIN C. HEINZ
4 Assistant United States Attorney
5 2500 Tulare Street, Suite 4401
6 Fresno, CA 93721
7 Telephone: (559) 497-4000
8 Facsimile: (559) 497-4099

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10 Attorneys for Plaintiff
11 United States of America

12
13 IN THE UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

v.

CASE NO. 1:24-CR-000273-KES-BAM

17 STIPULATION REGARDING EXCLUDABLE
18 TIME PERIODS UNDER SPEEDY TRIAL ACT;
19 AND ORDER

20 LUIS MELENDEZ,

21 Defendants.

22
23 STIPULATION

24 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
25 through her counsel of record, hereby stipulate as follows:

26 1. By previous order, this matter was set for a status conference on September 10, 2025.

27 2. By this stipulation, defendant now moves to continue the status conference to December
28 10, 2025, and to exclude time between September 10, 2025, and December 10, 2025, pursuant to 18
U.S.C. § 3161(h)(7)(A), B(iv).

3. The parties agree and stipulate, and request that the Court find the following:

a) The government provided initial discovery to the defense on December 10, 2024.

The discovery generally consisted of law enforcement reports, bodycam footage, photographs
and medical records. As investigation was ongoing, the Government provided additional

1 discovery to defense counsel. The government also recently received additional medical records
2 from the victim related to the victim's ongoing medical care of her injuries from the assault. The
3 government is in the process of providing these records to defense counsel in supplemental
4 discovery.

5 b) At the status conference on March 12, 2025, the defendant requested, and the
6 Court granted, a competency evaluation pursuant to 18 U.S.C. Section 4241. The parties received
7 the sealed psychological evaluation on May 27, 2025. The defense counsel continues to
8 investigate and assess the psychological evaluation.

9 c) The government made a plea offer to the defense on June 13, 2025. The defense
10 counsel requires additional time to discuss the plea offer with her client and conduct her own
11 investigation into the charges. Defense counsel requests additional time to conduct her own
12 independent investigation.

13 d) The defendant asks the Court to exclude time between September 10, 2025, and
14 December 10, 2025, to account for time to discuss the plea with the Government and defendant,
15 to conduct her own investigation, taking into account the exercise of due diligence.

16 e) The government does not object to the continuance.

17 f) Based on the above-stated findings, the ends of justice served by continuing the
18 case as requested outweigh the interest of the public and the defendants in a trial within the
19 original date prescribed by the Speedy Trial Act.

20 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
21 et seq., within which trial must commence, the time period of September 10, 2025 to December
22 10, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because
23 it results from a continuance granted by the Court at defendants' request on the basis of the
24 Court's finding that the ends of justice served by taking such action outweigh the best interest of
25 the public and the defendant in a speedy trial.

26 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
27 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
28 must commence.

1 IT IS SO STIPULATED.

2 Dated: August 31, 2025

3 ERIC GRANT
4 Acting United States Attorney

5 _____
6 ARIN C. HEINZ
7 Assistant United States Attorney

8 Dated: August 31, 2025

9 _____
10 /s/ BARBARA O'NEILL
11 BARBARA O'NEILL
12 Counsel for Defendant

13 **ORDER**

14 IT IS SO ORDERED that the status conference is continued from September 20, 2025, to
15 **December 10, 2025 at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe.**
16 Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv). If the parties do not resolve the case in
17 advance of the next status conference, they shall be prepared to set a trial date at the status conference
18 hearing.

19 IT IS SO ORDERED.

20 Dated: September 2, 2025

21 _____
22 /s/ *Barbara A. McAuliffe*

23 UNITED STATES MAGISTRATE JUDGE